

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EISAMAN CONTRACT ASSOCS., INC.,)

Plaintiff,

V.

SMITH SYS. MFG., CO.,

Defendant.

No. 2:17-cv-00061-RCM

Magistrate Judge Robert C. Mitchell

ORDER

IT IS ORDERED this 1st day of June, 2017, for the reasons set forth in the memorandum opinion filed this date, that the Clerk of Court, pursuant to 28 U.S.C. § 1404(a), forthwith transfer this action to the United States District Court for the Eastern District of Texas's Sherman Division courthouse in Plano, Texas, for further proceedings.

IT IS FURTHER ORDERED that Smith System Manufacturing Company's Rule 12(b)(6) motion to dismiss (Docket No. 9) is denied as moot due to the sua sponte transfer of this action.

/s/ Robert C. Mitchell
United States Magistrate Judge

cc: All Counsel of Record